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KAPLAN GILMAN GIBSON & DERNIER L.L.P.			ELAHEE, MD S	
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			2614	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/075,151

Applicant(s)

DELANEY ET AL.

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15, 19-29 and 37-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19-29 and 37-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed 03/15/2006. Claims 1-15, 19-29 and 37-54 are pending. Claims 16-18 and 30-36 have been cancelled.

### ***Response to Arguments***

2. Applicant's arguments filed on 03/15/2006 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Regarding claim 1, the Applicant argues on page 13, lines 5-8 that "Hitzeman does not teach a database for storing numbers of phone calls to be placed over the packet switched network, wherein those calls could be placed over either the packet switched network or the telephone network". The examiner disagrees with this argument. Hitzeman teaches when a user makes a call, switch 10 (fig.1) always checks its internal database for the user profile, and appropriate QOS level is assigned for different calls (see col.4, lines 32-36, col.5, lines 15, 17-20, 66-67, col.6, lines 1-3). Each QOS level is stored in the database (col.5, lines 20-21). Therefore, it is clear that the database stores numbers of phone calls. Based on the assigned QOS level, calls are to be placed over the packet switched network (col.5, lines 66-67, col.6, lines 1-6). If QOS level is not assigned on calls, then those calls could be placed over the circuit switched network [i.e., telephone network] (col.6, lines 23-33).

The applicant further argues in page 13, lines 16-17 that in applicant's invention, there is a two tier decision making process. Examiner agrees with this argument. However, the applicant doesn't claim "two tier decision making process".

Regarding claim 12, the applicant further argues in page 15 that Osman does not teach feature of claim 12 since in Osman, "calls" are not reaching the PSTN rather, **only calls that were unsuccessful over the IP network can reach a PSTN if the user so chooses**. Examiner again disagrees with this argument. Since, the applicant didn't claim that calls are reaching a PSTN whether the calls are **successful** or not. Thus the rejection of the claims in view of Osman remain.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 7, 19, 20, 22, 25, 28, 37-42 and 49-54 are rejected under 35 U.S.C. 103(a) as being obvious over Hitzeman (U.S. Patent No. 6,760,312) in view of Evslin et al. (U.S. Patent No. 6,404,864).

The applied reference Evslin et al. (U.S. Patent No. 6,404,864) has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Regarding claim 1, Hitzeman teaches a database for storing a category of telephone numbers representing telephone calls to be placed over a data network in packet switched format (col.4, lines 34-36, col.5, lines 19-28, 66, 67, col.6, lines 1-5, 11-18).

switch [i.e., processing means] for accepting a dialed telephone call directly from a device initiating the call, for determining, prior to the call reaching a telephone switch, whether the call is within the category, and for routing the call through an originating gateway to the data network if so (col.4, lines 34-42, col.5, lines 66, 67, col.6, lines 1-5, 11-18).

means for routing, after the called number of the dialed call is determined to be within the category, the call to the gateway 120 [i.e., originating gateway] being capable of conveying the call to the data network (fig.1; col.4, lines 34-42, col.5, lines 66, 67, col.6, lines 1-5, 11-18).

However, Hitzeman does not specifically teach 'selecting the originating gateway from plural originating gateways'. Evslin teaches selecting the originating gateway from plural originating gateways (col.5, lines 8-16, col.13, lines 62-65). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman to select the originating gateway from plural originating gateways as taught by Evslin. The motivation for the modification is to have doing so in order to determine least cost path for routing a call.

Hitzeman further teaches wherein the processing means determines whether the call is routed more economically over the data network or over a telephone network, and wherein the called telephone is accessible over either network (col.5, lines 6-15, 40-50, col.6, lines 23-32).

Regarding claim 7, Hitzeman teaches receiving, at a switch [i.e., router], the call directly from a device initiating the call and examining a called telephone number associated with the

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call to ascertain whether a particular property is present (fig.1; col.4, lines 34-42, col.5, lines 21-28, 66, 67, col.6, lines 1-5, 11-18).

if so, routing the call to a gateway 120 [i.e., originating gateway] being capable of conveying the call to a data network, and if not, routing the call to a switch 30 [i.e., telephone switch] (fig.1; col.4, lines 34-42, col.5, lines 21-28, 66, 67, col.6, lines 1-5, 25-31).

However, Hitzeman does not specifically teach ‘selecting one from plural originating gateways’. Evslin teaches selecting one from plural originating gateways (col.5, lines 8-16, col.13, lines 62-65). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman to select the originating gateway from plural originating gateways as taught by Evslin. The motivation for the modification is to have doing so in order to determine least cost path for routing a particular call.

Hitzeman further teaches if the call is routed to the gateway 120 [i.e., originating gateway] examining the called telephone number again to determine to route the call to a gateway 220 [i.e., terminating gateway] the call should be routed (fig.1; col.4, lines 34-42, 55-58, col.5, lines 21-39, 66, 67, col.6, lines 1-5, 25-31).

However, Hitzeman does not specifically teach “determine to which of a plurality of terminating gateways said call should be routed”. Evslin teaches determining to which of a plurality of terminating gateways the call should be routed (fig.1; col.4, lines 29-37). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman to determine to which of a plurality of terminating gateways the call should be routed as taught by Evslin. The motivation for the modification is to have doing so in order to provide the best path for routing a call.

Claim 19 is rejected for the same reasons as discussed above with respect to claim 7. Furthermore, Hitzeman teaches receiving a dialed number associated with the call and examining the dialed number prior to the call reaching a switch 30 [i.e., telephone switch] by an switch 10 [i.e., router] directly connected to a device initiating the call to determine whether the call shall be routed over the data network (fig.1; col.4, lines 34-42, col.5, lines 21-28, 66, 67, col.6, lines 1-5, 11-18).

parking the dialed number at the switch (col.4, lines 34-42, col.5, lines 21-28).

the call is determined to be routed over the data network (col.4, lines 34-42, col.5, lines 21-28, 66, 67, col.6, lines 1-5).

transmitting the dialed number from the switch to the gateway 120 [i.e., originating gateway] (fig.1; col.5, lines 21-28, 66, 67, col.6, lines 1-5).

teaches parking the dialed number at the gateway 120 (col.5, lines 21-28, 66, 67, col.6, lines 1-5).

teaches sending the dialed number from the first gateway to a second gateway over the data network (fig.1; col.4, lines 55-58, col.5, lines 21-28, 66, 67, col.6, lines 1-5).

connecting the call to a telephone 210 [i.e., terminal] identified by the dialed number, wherein the dialed number represents a called telephone accessible by either the data network or a telephone network (col.5, lines 21-28, 66, 67, col.6, lines 1-5, 23-32).

Regarding claim 20, Hitzeman teaches acquiring the caller's number and determining if the caller is authorized (col.2, lines 42-46, col.5, line 50-col.6, line 22).



Regarding claims 22 and 28, Hitzeman teaches sending an authorization to the router if the caller is authorized (fig.1; col.5, line 50-col.6, line 22).

Claim 25 is rejected for the same reasons as discussed above with respect to claims 1, 19 and 20.

Claims 37, 40, 49 and 52 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Hitzeman teaches means for authenticating the caller by an identifier of the caller if the telephone call is determined to be within the category, and for forwarding, after the caller is authenticated, a dialed number associated with the call to the originating gateway so as to route the telephone call through the originating gateway to the data network (col.2, lines 42-46, col.5, line 50-col.6, line 22).

Claims 38, 41, 50 and 53 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Hitzeman teaches means for setting up a first connection between the apparatus and the originating gateway for transmitting the identifier of the caller over the first connection to the originating gateway so as to be forwarded by the originating gateway to a router [i.e., computer] over a second connection over the data network for authenticating the caller (fig.1; col.2, lines 42-46, col.5, line 50-col.6, line 22).

Claims 39, 42, 51 and 54 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Hitzeman teaches means for forwarding the dialed number to the originating gateway through the first connection after the caller is authenticated (fig.1; col.2, lines 42-46, col.5, line 50-col.6, line 22).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hitzeman in view of Evslin et al. further in view of Girard (U.S. Pub No. 2002/0176404).

Regarding claim 6, Hitzeman in view of Evslin fails to teach “said operations center being capable of altering information stored within said memory and implementing changes to said category of telephone numbers”. Girard teaches the operations center being capable of modifying information stored within the database and implementing changes to the category of telephone numbers (abstract; page 8, paragraph 0097, page 16, paragraph 0208; ‘modifying’ reads on the claim ‘altering’ and ‘database’ reads on the claim ‘memory’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman in view of Evslin to allow operations center being capable of altering information stored within said memory and implementing changes to said category of telephone numbers as taught by Girard. The motivation for the modification is to have doing so in order to generate the updated information.

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitzeman in view of Evslin et al. further in view of Voit et al. (U.S. Patent No. 6,295,292).

Regarding claim 8, Hitzeman in view of Evslin fails to teach “said originating gateway makes said determination of said terminating gateway in conjunction with other gateways”. Voit teaches that the originating gateway makes said determination of said terminating gateway in conjunction with other gateways (fig.2, 4, 14; page 4, paragraphs 0057-0059, 0061, page 9, paragraphs 0115- 0117, page 10, paragraphs 0124-0126). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman in view of Evslin to allow the originating gateway making the determination of said terminating gateway in conjunction with other gateways as taught by Voit. The motivation for the modification is to have doing so in order to provide the proper utilization of the resources.

Regarding claim 9, Hitzeman in view of Evslin fails to teach “reallocating traffic among plural terminating gateways”. Voit teaches reallocating traffic among plural terminating gateways (fig.2, 4, 14; page 4, paragraphs 0057-0059, 0061). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman in view of Evslin to reallocate traffic among plural terminating gateways as taught by Voit. The motivation for the modification is to have doing so in order to provide alternate route for the traffic in case of failure of the one terminating gateway.

9. Claims 4, 10, 11 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitzeman in view of Evslin et al. further in view of Osman (U.S. Patent No. 6,801,523).

Regarding claim 4, Hitzeman in view of Evslin fails to teach “said category is comprised of all calls outside of an area code in which the call originates”. Osman teaches the category is

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comprised of long distance calls [i.e., calls outside of an area code] in which the call originates (col.1, lines 40-43). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman in view of Evslin to incorporate category comprising of all calls outside of an area code in which the call originates as taught by Osman. The motivation for the modification is to have doing so in order to provide less expensive service for long distance calls.

Claims 10, 43-45 are rejected for the same reasons as discussed above with respect to claim 7. Furthermore, Hitzeman teaches that if the number is determined, by the examining, to be within a pre-defined class of numbers, conveying the telephone call to a first remotely located telephone switch 30 over a data network (fig.1; col.4, lines 34-42, col.5, lines 21-28, 66, 67, col.6, lines 1-5).

Hitzeman further teaches that if the number is not within the predetermined class of numbers, conveying the telephone call to a circuit switched network (fig.1; col.6, lines 25-31). However, Hitzeman in view of Evslin fails to teach “if the number is not within the predetermined class of numbers, conveying the telephone call to a second remotely located telephone switch over a telephone network”. Osman teaches if the number is not within the predetermined class of numbers, conveying the telephone call to a second remotely located telephone switch over a telephone network (fig.5; col.7, lines 3-6, 66, 67, col.8, lines 1-6, 19-24). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman in view of Evslin to incorporate if the number is not within the predetermined class of numbers, conveying the telephone call to a second remotely located

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telephone switch over a telephone network as taught by Osman. The motivation for the modification is to have doing so in order to provide alternate route for the traffic in case of failure of routing the call over the data network.

Claim 11 is rejected for the same reasons as discussed above with respect to claim 7. Furthermore, Hitzeman teaches that the switch 30 [i.e., first or second remotely located telephone switch] is reached via a gateway 120, and wherein the determination of routing the call through gateway 120 is utilized to reach the remote the switch 30 is made at least in part by comparing a QOS code [i.e., predetermined subset of digits contained] in the dialed number (col.5, lines 51-67, col.6, lines 1-22).

10. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osman (U.S. Patent No. 6,801,523) in view of Gordon et al. (U.S. Patent No. 4,905,273) further in view of Evslin et al. (U.S. Patent No. 6,717,939).

Regarding claim 12, Osman teaches a switch [i.e., router] connected directly to a device initiating the calls, the router being programmed to examine dialed numbers associated with calls prior to the calls reaching a PSTN (fig.5; col.3, line 46- col.4, line 18, col.7, lines 3-6,66,67, col.8, lines 1-6,19-24,60-64).

Osman does not specifically teach “the router further being programmed to separate long distance calls from local calls, the router further being programmed to transmit some of the long distance calls and all of the local calls over a circuit switching network, and the remainder of the

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long distance calls over a packet switching network". Gordon teaches the process intermediary further being programmed to separate long distance calls from local calls, the process intermediary further being programmed to transmit some of the long distance calls and all of the local calls over a circuit switching network, and the remainder of the long distance calls over a data network [i.e., packet switching network] (abstract; fig.1; col.2, line 35-col.3, line17, col.3, lines 32-36). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Osman to allow the router further being programmed to separate long distance calls from local calls, the router further being programmed to transmit some of the long distance calls and all of the local calls over a circuit switching network, and the remainder of the long distance calls over a packet switching network as taught by Gordon. The motivation for the modification is to have doing so in order to generate packets over the data network.

Osman further teaches selecting, for each specific long distance call to be transmitted over the packet switching network, one from plural of the far-end IP gateways each being capable of conveying the specific call to the packet switching network after a dialed number associated with the specific call is examined (col.1, lines 38-60, col.2, lines 35-52). However, Osman in view of Gordon does not specifically teach selecting one from plural of the originating gateways. Evslin teaches selecting one from plural of the originating gateways (fig.1; col.3, lines 65-67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Osman in view of Gordon to select one from plural of the originating gateways as taught by Evslin. The motivation for the modification is to have doing so in order to determine specific route for routing a particular call.

Claim 13 is rejected for the same reasons as discussed above with respect to claim 12. Furthermore, Osman teaches the originating gateway is in communication with the switch [i.e., router] for translating [i.e., converting] the specific call from a circuit switched calls to a packet switched calls, and for routing same over the packet switching network (fig.5; col.2, lines 35-52, col.3, line 46-col.4, line 18).

Regarding claim 14, Osman teaches a terminating gateway to convert telephone calls from a packet switching format on the packet switching network to a circuit switching format, and to place the calls in circuit switching format on the circuit switching network (fig.5; col.2, lines 35-52, col.3, line 46-col.4, line 18).

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osman in view of Gordon et al. further in view of Evslin et al. further in view of Smith (U.S. Pub No. 2003/0123632).

Regarding claim 15, Osman in view of Gordon further in view of Evslin fails to teach “each of said terminating gateways incurs a charge as a result of terminating said calls, and wherein changes in such charges are utilized to update routing information stored in said router”. Smith teaches that each of the terminating gateways incurs a charge as a result of terminating the calls, and wherein changes in such charges are utilized to update routing information stored in the router (page 3, paragraphs 0025). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Osman in view of Gordon further in view of Evslin to allow each of the terminating gateways incurs a charge as a result of terminating said

calls, and wherein changes in such charges are utilized to update routing information stored in the router as taught by Smith. The motivation for the modification is to have doing so in order to provide the proper charges for the telephone calls.

12. Claims 21, 23, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitzeman in view of Evslin et al. further in view of Galvin (U.S. Patent No. 6,134, 315).

Regarding claim 21, Hitzeman teaches comparing a calling number to information stored in the database (col.4, lines 34-36, col.5, lines 19-28).

However, Hitzeman in view of Evslin fails to teach “transmitting the calling number from the router to a computer”. Galvin teaches transmitting the calling number from the router to a processor (abstract; col.4, lines 10-53; ‘processor’ reads on the claim ‘computer’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman in view of Evslin to transmit the calling number from the router to a computer as taught by Galvin. The motivation for the modification is to have doing so in order to match the identity of the user.

Hitzeman in view of Evslin further fails to teach “accessing a database associated with the computer”. Galvin teaches accessing a database associated with the processor (abstract; col.4, lines 10-53; ‘processor’ reads on the claim ‘computer’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman in view of Evslin to accessing a database associated with the computer as taught by Galvin. The motivation for the modification is to have doing so in order to make sure the authorized person is using the network.



Regarding claims 23 and 29, Hitzeman in view of Evslin fails to teach “terminating the call if the caller is not authorized”. Galvin teaches terminating the call if the caller is not authorized (fig.2; col.8, lines 42-44). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman in view of Evslin to terminate the call if the caller is not authorized as taught by Galvin. The motivation for the modification is to have doing so in order to make sure the authorized person is using the network.

Regarding claim 26, Hitzeman in view of Evslin fails to teach “acquiring the calling number by the router and transmitting the calling number from the router to a computer”. Galvin teaches acquiring the calling number by the router and transmitting the calling number from the router to a computer (abstract; col.4, lines 10-53; ‘processor’ reads on the claim ‘computer’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman in view of Evslin to acquire the calling number by the router and transmitting the calling number from the router to a computer as taught by Galvin. The motivation for the modification is to have doing so in order to match the identity of the user and to make sure the authorized person is using the network.

13. Claims 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitzeman in view of Evslin et al. further in view of Mizuta et al. (U.S. Patent No. 6,584,110).

Regarding claims 24 and 27, Hitzeman in view of Hitzeman fails to teach “locating an optimum terminating gateway”. Mizuta teaches locating an optimum terminating gateway (fig.8,

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col.9, lines 38-45, col.10, lines 54-59). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hitzeman in view of Hitzeman to locate an optimum terminating gateway as taught by Mizuta. The motivation for the modification is to have doing so in order to handle a high volume of traffic.

14. Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osman in view of Gordon et al. further in view of Evslin et al. further in view of Hitzeman (U.S. Patent No. 6,760,312).

Claims 46-48 are rejected for the same reasons as discussed above with respect to claims 37-39 simultaneously.

#### *Allowable Subject Matter*

15. Claims 2, 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Haskal** (U.S. 2001/0036172) teach Wireless voice over internet protocol communication systems;

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**Armistead et al.** (U.S. 6,781,983) teach Packet-switched telephony with circuit-switched backup.


17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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